

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER DEGROOT, on behalf of
himself and all others similarly situated; and
STEVEN SHOWALTER, on behalf of
himself and all others similarly situated;

Plaintiffs,

vs.

NEBRASKA BOOK COMPANY, INC.,
NEBRASKA BOOK HOLDINGS, INC.,
CONCISE CAPITAL MANAGEMENT, LP,
and AB LENDING SPV I LLC, d/b/a
Mountain Ridge Capital;

Defendants.

4:23CV3041

FOURTH AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the Text Email Motion to Extend Case Progression Order (Filing No. 119). After review of the motion and for good cause shown,

IT IS ORDERED that the Text Email Motion to Extend Case Progression Order (Filing No. 119) is granted, and the second amended case progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendants:	March 17, 2025
Plaintiffs' rebuttal:	April 10, 2025

- 2) Motion to Certify a Class Action.
 - a. Any motion to certify this case as a class action shall be filed by **March 24, 2025**, in the absence of which any claim in the pleadings that this is a class action shall be deemed abandoned, and the case shall proceed, for purposes of Fed. R. Civ. P. 23, as if a motion for class certification had been filed and denied by the Court.
 - b. Defendants shall file their response to Plaintiffs' class certification motion by **April 17, 2025**.
 - c. Plaintiff shall file its reply in support of motion for class certification by **April 24, 2025**.

- 3) The planning conference set for March 5, 2025, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **April 4, 2025**, at **9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **April 18, 2025**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group (10) each (including the two already taken by Plaintiffs) consistent with Rule 30(a)(2)(A)(i).
- 5) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **April 18, 2025**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **May 2, 2025**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **May 7, 2025**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is 30 days prior to trial.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 31st day of January, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge